

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

DIANA MEY, on behalf of herself and a class
of others similarly situated,

Plaintiff,

v.

MATRIX WARRANTY SOLUTIONS, INC.,
et al.,

Defendants.

Civil Action No. 5:21-cv-00062
Judge Bailey

**MATRIX DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S
SIXTH SET OF DISCOVERY REQUESTS**

Defendants Matrix Warranty Solutions, Inc. ("Matrix Warranty") and Matrix Financial Services, LLC ("Matrix Financial") (collectively, "Matrix Defendants" or "Matrix") submit their response and objection to the following requests for production and admission as follows:

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

1. All pleadings, correspondence, discovery, settlement agreements, and other nonprivileged documents relating to any demand, claim, allegation, litigation, administrative, or regulatory investigation or proceeding, other than this Lawsuit, to which Matrix Defendants have ever been a party at any time in the past five years in which someone else has sought damages or any other form of relief against them under the TCPA or any state law relating to telemarketing.

OBJECTION: The Matrix Defendants object to this request insofar as it does not seek information relevant or reasonably calculated to lead to the discovery of admissible evidence about the merits of Plaintiff's individual or class claims, which relate only to any Defendant, or the Defendants acting collectively, making, or directing another party to make, the calls at issue, such that this request regarding unrelated matters has no bearing here and discovery into such collateral

matters is not proportional to the needs of this case. *Cox v. Dalton*, Civil Action No. 1:21-CV-4, 2021 U.S. Dist. LEXIS 221185 (N.D.W. Va. Nov. 16, 2021); *Pajack v. Under Armour, Inc.*, 339 F.R.D. 375 (N.D.W. Va. 2021); *Kinsale Ins. Co. v. JDBC Holdings, Inc.*, CIVIL ACTION NO. 3:20-CV-8, 2021 U.S. Dist. LEXIS 75156 (N.D.W. Va. April 20, 2021).

Furthermore, the Matrix Defendants object to this request as duplicative and redundant because the Matrix Defendants previously provided responses to Plaintiff's First and Second Discovery Requests to the Matrix Defendants seeking information relating to collateral TCPA matters involving Dealer Renewal Services, the only other party-Defendant entity from whom Plaintiff purchased a Matrix-administered vehicle service contract. *See, e.g.*, Matrix Responses to Plaintiff's First Discovery Requests at 6 (Response to Interrogatory 5); Matrix Responses to Plaintiff's Second Discovery Requests at 12-13 (Responses to Document Requests 10 and 11). Thus, the only conceivably relevant, responsive information has already been produced. The Matrix Defendants do not and have never made outbound telemarketing calls themselves, so vicarious-liability-related claims concerning non-parties have no rational bearing on Plaintiff's claims in this case.

Accordingly, the Matrix Defendants further object to this request as overly broad and unduly burdensome, and not proportional to the needs of the case, because it seeks in part information the Matrix Defendants have already provided, and this additional request for *all* pleadings, correspondence, and discovery from unrelated matters, including information equally available to Plaintiff in public filings, serves no purpose other than to harass and cause undue burden.

ANSWER: See objection.

OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

1. Admit that all documents and things produced by Matrix in response to the above

request are genuine.

ANSWER: The Matrix Defendants have not produced any documents in response to the above request, and thus deny this request at present.

Dated: September 6, 2022

MATRIX DEFENDANTS

By Counsel

/s/ Joseph P. Bowser

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CERTIFICATE OF SERVICE

I certify that on this 6th day of September, 2022, I caused a copy of the foregoing
MATRIX DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S SIXTH SET
OF DISCOVERY REQUESTS to be served via email on the following counsel of record:

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